

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA,

v.

**BERNARD JOSEPH DOLENZ,
Defendant.**

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3:98-CR-0107-M(01)

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

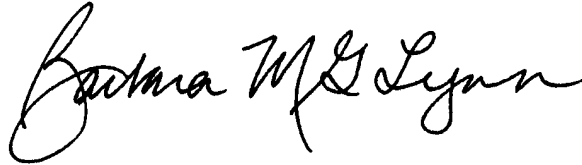
The United States Magistrate Judge made Findings, Conclusions, and a Recommendation in this case. Defendant/Petitioner filed objections on October 15, 2013, and the District Court has made a *de novo* review of those portions of the proposed Findings and Recommendation to which objection was made. The objections are overruled, and the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

IT IS THEREFORE ORDERED that Defendant's/Petitioner's motion for *Brady Violations, Lack of Jurisdiction in Criminal Case, and Corum [sic] Nobis Relief* (Doc. 256) is **DENIED**. The Clerk of the Court is **directed** to open, for indexing purposes, a new civil action (nature suit 540, assigned to District Judge Lynn and Magistrate Judge Horan) and to close the same on the basis of this order.

The Court prospectively **CERTIFIES** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); FED. R. APP. P. 24(a)(3). In support of this finding, the Court adopts and incorporates by reference the Magistrate Judge's Findings, Conclusions, and Recommendation. *See Baugh v. Taylor*, 117 F.3d 197, 202 n. 21 (5th Cir. 1997). Based on the Findings and Recommendation, the Court finds that any appeal of this action would present

no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). Defendant/Petitioner may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997); FED. R. APP. P. 24(a)(5).¹

SO ORDERED this 21st day of October, 2013.

A handwritten signature in black ink, reading "Barbara M. G. Lynn". The signature is written in a cursive, flowing style. The first name "Barbara" is written with a large, looped 'B'. The middle initial "M. G." is written in a smaller, more compact cursive. The last name "Lynn" is written with a large, looped 'L' and a trailing flourish.

BARBARA M. G. LYNN
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF TEXAS

¹ Federal Rule of Appellate Procedure 4(a) governs the time to appeal an order. A timely notice of appeal must be filed even if the district court certifies an appeal as not taken in good faith.